

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P 3047/PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/004460	International filing date (<i>day/month/year</i>) 28.04.2004	Priority date (<i>day/month/year</i>) 15.12.2003
International Patent Classification (IPC) or national classification and IPC A63H3/46		
Applicant HIMSTEDT, Annette		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>9</u> sheets, as follows: <div style="margin-left: 20px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</div> b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <div style="margin-left: 20px;"><input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application</div>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1, 4-15 as originally filed/furnished
- pages* 2, 3, 3a received by this Authority on 21.12.2004 with letter of 20.12.2004
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 33 as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-32 received by this Authority on 21.12.2004 with letter of 20.12.2004
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/13-13/13 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims	YES
		Claims 1-32	NO
	Inventive step (IS)	Claims	YES
		Claims 1-32	NO
	Industrial applicability (IA)	Claims 1-32	YES
		Claims	NO
2.	Citations and explanations (Rule 70.7)		
1.	Reference is made to the following documents:		
	D1: GB 994 161 A (COGISH D1 PAGANI & C)		
	2 June 1965 (1965-06-02)		
	D2: DE 296 02 347 U (HIMSTEDT ANNETTE)		
	27 June 1996 (1996-06-27).		
2.	<p>The present application fails to satisfy the requirements of PCT Article 33(1) because the subject matter of claim 1 lacks novelty (PCT Article 33(2)).</p> <p>Document D2 discloses a joint for connecting a first element 3.1 to a second element, as per claim 1 (see the rotating element 6 which is rotatably inserted into the first element 3.1, a third element 4 inserted into the second element being rotatably connected thereto; the rotating element 6 is discoid (tongue 10) and is inserted in a slot 9 of the third element 4).</p>		
3.	<p>The dependent claims contain no features which, combined with the features of any claim to which</p> <p style="text-align: right;">/...</p>		

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Box No. V**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

they refer, meet the PCT requirements for novelty and/or inventive step (see documents D1 or D2 and the associated text as cited in the search report) .

Box No. VII **Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

- 4.1 Pursuant to PCT Rule 10.2, the terminology and signs shall be consistent throughout the international application. Owing to the use of the expression "element" for different features (see claim 1, for example: "element (3.3)", "element (30.2)", "elements (3.1 , 3.2, 30.1)"), this requirement has not been satisfied. The claim should remain clearly and unambiguous even in the absence of reference signs.
- 4.2 Claim 2 is identical to claim 4 since claim 1 does not distinguish between elements 3.1, 3.2 and 30.1. Claim 4 should therefore be deleted and reference sign 30.1 inserted in claim 2.
- 4.3 Claim 25 is identical to claim 24 since said claims do not distinguish between axes D and E. Claim 26 should therefore be deleted and reference sign E inserted in claim 25.